

107TH CONGRESS
1ST SESSION

H. R. 1091

To amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2001

Mrs. MINK of Hawaii introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Social Security Bene-
5 fits Protection Act of 2001”.

1 **SEC. 2. ENTITLEMENT TO BENEFITS FOR MONTH OF BENE-**
 2 **FICIARY'S DEATH.**

3 (a) OLD-AGE INSURANCE BENEFITS.—Section
 4 202(a) of the Social Security Act (42 U.S.C. 402(a)) is
 5 amended by striking “the month preceding” in the matter
 6 following subparagraph (B).

7 (b) WIFE'S INSURANCE BENEFITS.—

8 (1) IN GENERAL.—Section 202(b)(1) of such
 9 Act (42 U.S.C. 402(b)(1)) is amended—

10 (A) by striking “and ending with the
 11 month” in the matter immediately following
 12 clause (ii) and inserting “and ending with the
 13 month in which she dies or (if earlier) with the
 14 month”;

15 (B) by striking subparagraph (E); and

16 (C) by redesignating subparagraphs (F)
 17 through (K) as subparagraphs (E) through (J),
 18 respectively.

19 (2) CONFORMING AMENDMENT.—Section
 20 202(b)(5)(B) of the Social Security Act (42 U.S.C.
 21 402(b)(5)(B)) is amended by striking “(E), (F),
 22 (H), or (J)” and inserting “(E), (G), or (I)”.

23 (c) HUSBAND'S INSURANCE BENEFITS.—

24 (1) IN GENERAL.—Section 202(c)(1) of the So-
 25 cial Security Act (42 U.S.C. 402(c)(1)) is amend-
 26 ed—

1 (A) by striking “and ending with the
 2 month” in the matter immediately following
 3 clause (ii) and inserting “and ending with the
 4 month in which he dies or (if earlier) with the
 5 month”;

6 (B) by striking subparagraph (E); and

7 (C) by redesignating subparagraphs (F)
 8 through (K) as subparagraphs (E) through (J),
 9 respectively.

10 (2) CONFORMING AMENDMENT.—Section
 11 202(c)(5)(B) of the Social Security Act (42 U.S.C.
 12 402(c)(5)(B)) is amended by striking “(E), (F),
 13 (H), or (J)” and inserting “(E), (G), or (I)”.

14 (d) CHILD’S INSURANCE BENEFITS.—Section
 15 202(d)(1) of the Social Security Act (42 U.S.C.
 16 402(d)(1)) is amended—

17 (1) by striking “and ending with the month” in
 18 the matter immediately preceding subparagraph (D)
 19 and inserting “and ending with the month in which
 20 such child dies or (if earlier) with the month”; and

21 (2) by striking “dies, or” in subparagraph (D).

22 (e) WIDOW’S INSURANCE BENEFITS.—Section
 23 202(e)(1) of the Social Security Act (42 U.S.C. 402(e)(1))
 24 is amended by striking “ending with the month preceding
 25 the first month in which any of the following occurs: she

1 remarries, dies,” in the matter following subparagraph (F)
 2 and inserting “ending with the month in which she dies
 3 or (if earlier) with the month preceding the first month
 4 in which any of the following occurs: she remarries,”.

5 (f) WIDOWER’S INSURANCE BENEFITS.—Section
 6 202(f)(1) of the Social Security Act (42 U.S.C. 402(f)(1))
 7 is amended by striking “ending with the month preceding
 8 the first month in which any of the following occurs: he
 9 remarries, dies,” in the matter following subparagraph (F)
 10 and inserting “ending with the month in which he dies
 11 or (if earlier) with the month preceding the first month
 12 in which any of the following occurs: he remarries,”.

13 (g) MOTHER’S AND FATHER’S INSURANCE BENE-
 14 FITS.—Section 202(g)(1) of the Social Security Act (42
 15 U.S.C. 402(g)(1)) is amended, in the matter following
 16 subparagraph (F)—

17 (1) by inserting “with the month in which he or
 18 she dies or (if earlier)” after “and ending”; and

19 (2) by striking “he or she remarries, or he or
 20 she dies” and inserting “or he or she remarries”.

21 (h) PARENT’S INSURANCE BENEFITS.—Section
 22 202(h)(1) of the Social Security Act (42 U.S.C.
 23 402(h)(1)) is amended by striking “ending with the month
 24 preceding the first month in which any of the following
 25 occurs: such parent dies, marries,” in the matter following

1 subparagraph (E) and inserting “ending with the month
 2 in which such parent dies or (if earlier) with the month
 3 preceding the first month in which any of the following
 4 occurs: such parent marries”.

5 (i) DISABILITY INSURANCE BENEFITS.—Section
 6 223(a)(1) of the Social Security Act (42 U.S.C. 423(a)(1))
 7 is amended by striking “ending with the month preceding
 8 whichever of the following months is the earliest: the
 9 month in which he dies,” in the matter following subpara-
 10 graph (D) and inserting the following: “ending with the
 11 month in which he dies or (if earlier) with whichever of
 12 the following months is the earliest:”.

13 (j) BENEFITS AT AGE 72 FOR CERTAIN UNINSURED
 14 INDIVIDUALS.—Section 228(a) of the Social Security Act
 15 (42 U.S.C. 428(a)) is amended by striking “the month
 16 preceding” in the matter following paragraph (4).

17 (k) EXEMPTION FROM MAXIMUM BENEFIT CAP.—
 18 Section 203 of the Social Security Act (42 U.S.C. 403)
 19 is amended by adding at the end the following:

20 “Exemption From Maximum Benefit Cap

21 “(m) Notwithstanding any other provision of this sec-
 22 tion, the application of this section shall be made without
 23 regard to monthly benefits received under section 202,
 24 223, or 228 for the month in which the individual entitled
 25 to those benefits dies.”.

1 **SEC. 3. EFFECTIVE DATE.**

2 The amendments made by this Act shall apply with
3 respect to deaths occurring after the month in which this
4 Act is enacted.

